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20 NOV 2006

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In re Application of
GLUCKMAN et al.
Application No.: 10/568,573
PCT No.: PCT/US04/27187
Int. Filing Date: 19 August 2004
Priority Date: 20 August 2003
Attorney's Docket No.: ERNZ-01016US3
For: SOMATOGENIC THERAPY USING A
20KDA PLACENTAL VARIANT OF GROWTH
HORMONE

DECISION ON
PETITION

This is a decision on applicant's request to review finance record and charge of search fee, filed in the United States Patent and Trademark Office (USPTO) on 21 September 2006. Applicant requests review of the fees in the above referenced application and states that the search fee of \$200 was not paid and \$150 was credited to the deposit account.

On 16 February 2006, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of \$150 (small entity). The search fee of \$200 and examination fee of \$100 were also paid by check. Thereafter, the \$200 search fee was refunded and on 24 February 2006, a \$50 search fee was applied. On 13 July 2006, a \$150 replenishment was credited to applicant's deposit account.

On 21 September 2006, applicant filed a request to review the credit of \$150 to the deposit account, indicating that national stage search fee (fee code 2642 -small entity) of \$200 is appropriate where the European Patent Office (EPO) prepared the search report.

A review of the application file reveals that the EPO did prepare the search report. The appropriate national search fee in the above referenced application for filing with an European Patent Office search report is \$200 (small entity). A review of the finance records for this application reveals that applicant was charged \$50 for the national search fee. Since the appropriate fee is \$200 for national search fee for filing with a EPO search report, applicant will be charged the additional \$150.

For the reasons above, applicant's request for review and charge of the additional \$150, filed 21 September 2006, is GRANTED. Applicant's deposit account No. 06-1325 will be charged in the amount of \$150 (totaling \$200 national stage search fee (fee code 2642)) so that the national search fee will be paid.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286